IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 10322 of 2007(D)

PETITIONER:

ROY P.J,PORATHOOKKARAN HOUSE,
MADAYIKONAM P.O,THRISSUR.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:

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1. THE GEOLOGIST,DEPARTMENT OF MINING AND GEOLOGY,THRISSUR.

2. THE REVENUE DIVISIONAL OFFICER,THRISSUR.

BY GOVERNMENT PLEADER SRI.BENJAMIN PAUL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.10322 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of Basic tax register maintained at the Village Officer.

Ext.P2: Copy of possession certificate.

Ext.P3: Copy of site plan issued by the Village Officer, Madayikonam.

Ext.P4: Copy of report dtd. 8.2.06 submitted by the Village Officer.

Ext.P5: Copy of permit dtd.10.5.06 issued by R1.

Ext.P6: Copy of permit dtd.7.3.07 issued by R1.

Ext.P7: Copy of order of R1 dtd.16.3.07.

Ext.P8: Copy of letter dtd.3.3.07 of R2.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO. 10322 OF 2007 - D

Dated this the 19th day of June, 2007

J U D G M E N T

The petitioner challenges Ext.P7 order by which his quarrying permit has been cancelled. His contention is that Ext.P7 order has been passed without issuing notice to the petitioner and without hearing him. The petitioner therefore seeks quashing of Ext.P7.

2. The first respondent has filed a counter affidavit. In the counter affidavit, it is stated that Ext.P7 order has been passed pursuant to a direction of this Court in W.P.(C) No.5458 of 2007 in which there was a direction to consider the petitioner's application and to dispose of the same within one month. However, the specific contention that Ext.P7 order has been passed without hearing the petitioner is not controverted in the writ petition. Simply because this Court had directed disposal of the application, that does not mean that the first respondent need not comply with the principles of natural justice. Since it is abundantly clear that principles of

natural justice have not been complied with, Ext.P7 cannot be sustained. Accordingly, Ext.P7 is quashed. However, this shall not stand in the way of the first respondent considering the matter afresh, after issuing notice, hearing the petitioner and passing appropriate orders.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007